

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1783 of 1983

Date of decision: 9-5-97

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment? No
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the judgment? No
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder? No
5. Whether it is to be circulated to the Civil Judge? No

KANJIBHAI MEGHJIBHAI PATEL

Versus

STATE OF GUJARAT

Appearance:

MR P.V. Pahwa for Petitioners

Mr. Mukesh Patel for Respondent No. 1, 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 9-5-97

CAV JUDGEMENT

Heard the learned counsel for the parties.

Challenge is made by the petitioners to the order of respondent No.1 dated 20th October, 1982 at annexure-D, under which the application of the petitioners seeking exemption under section 20 of the Urban Land (Ceiling and Regulation) Act, 1976 has been rejected.

2. Challenging the aforesaid order of respondent No.1, the counsel for the petitioner raised manifold contentions. But I do not consider it proper to advert to all the contentions raised by the counsel for the petitioners, as this petition deserves to be accepted on one ground that the order has been passed without giving any notice or opportunity of hearing to the petitioners. In support of this contention the counsel for the petitioners placed reliance on the decision of this court in special civil application No.3732/82 rendered on 1-12-1983.

3. In para 6 of the special civil application the petitioners made statement that respondent No.1 has passed the impugned order without giving an opportunity of being heard to them. Reply to this special civil application has not been filed by the respondents. The statement made in para 6 of the petition stands uncontroverted.

4. In the result this special civil application is allowed. The order dated 20th October, 1982 passed by respondent No.1 is quashed and set aside. The matter is remanded back to respondent No.1 to pass fresh order in accordance with law after giving an opportunity of hearing to the petitioners. Rule made absolute in the aforesaid terms. No order as to costs.

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